



PATENT
Customer No. 22,852
Attorney Docket No. 09812.0685-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yasuhiro TAKADA et al.) Group Art Unit: 2623
Application No.: 09/707,720) Examiner: Lonsberry, Hunter B.
Filed: November 7, 2000) Confirmation No.: 9803
For: TRANSMITTING METHOD,)
TRANSMITTING SYSTEM AND)
TRANSMISSION CONTROL)
DEVICE)

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Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the Final Office Action dated June 13, 2006 and the Advisory Action dated September 8, 2006. This Request is being filed concurrently with a Notice of Appeal and a petition for a two-month extension of time.

I. Requirements For Submitting a Pre-Appeal Brief Request for Review

Applicants have met each of the requirements for a pre-appeal brief review of rejections set forth in an Office Action. The application has been at least twice rejected. Applicants have filed a Notice of Appeal with this Request, and have not yet filed an Appeal Brief. Applicants submit this Pre-Appeal Brief Request for Review that is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005.

II. Status of the Claims

In the Final Office Action, the Examiner rejected claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,020 to Stahl et al. ("*Stahl*") in view of U.S. Patent No. 6,918,123 to Shteyn ("*Shteyn*").

III. The rejection of claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Stahl* in view of *Shteyn* is improper

Applicants respectfully traverse the rejection of claims 10 and 12 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Stahl* in view of *Shteyn*, does not teach or suggest each and every element of claims 10 and 12. A *prima facie* case of obviousness has, therefore, not been established.

Claim 10 recites a transmitting system including, for example:

a first controlling apparatus connected to a predetermined network, said first controlling apparatus including a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function . . .

(emphasis added). The Examiner states that the DTV of *Stahl* teaches the claimed first controlling apparatus and the IRM 26 of *Stahl* teaches the claimed first control section (Final Office Action at page 4). The Examiner also states, "IRM 26 resides on the DTV" (Final Office Action at page 3). Applicants respectfully disagree.

According to *Stahl*, "[t]here are two management entities defined for IEEE-1394 serial bus [16]; the isochronous resource manager 26 and the bus manager 28. These two entities may reside on two different nodes or on the same node" (col. 3, lines 58-62). The Examiner interprets this passage as disclosing, "IRM 26 may reside on two

different nodes or on a single node” (Final Office Action at page 3). This is not correct. This passage states that isochronous resource manager 26 and bus manager 28 may reside on two different nodes (i.e. IRM 26 on a first node and BM 28 on a second node) or on the same node (i.e. IRM 26 and BM 28 on a first node). However, each manager resides on only one node. Therefore, IRM 26 cannot reside on two different nodes.

Furthermore, the teaching that the “DTV must be IRM and BM capable” (col. 4, lines 16-17) does not inherently, or obviously, teach that IRM 26 resides on the DTV as alleged by the Examiner (Final Office Action at page 3). In fact, *Stahl* teaches away from the Examiner’s position. *Stahl* states that IRM 26 is located within the serial bus protocol for the IEEE 1394 serial bus 16 (column 3, lines 55-65 and Figure 3). Fig. 4 depicts serial bus 16”, which operates in the same manner as serial bus 16 and contains the associated IRM and BM, outside DTV 14”. DTV 14” does not include serial bus 16” or IRM 26. Therefore, *Stahl* does not teach “a first controlling apparatus connected to a predetermined network, said first controlling apparatus including a first control section,” as recited in claim 10.

The Examiner states, “isochronous data flows can be controlled by any device connected to the IEEE 1394 bus (column 6, lines 8-32), thus controlling the flow and reception of isochronous data, by another device other than the first device . . . does suggest a first controlling apparatus that does not mount a control module of said connection management function” (Final Office Action at page 3). Applicants disagree. Even assuming that the “IRM 26 allocates and deallocates the channels and bandwidth in order to establish the connection” (Final Office Action at page 4), there is no teaching

that “the first controlling apparatus does not mount a control module ... [and] said another controlling apparatus mounts a control module,” as recited in claim 10.

In *Stahl*, “[t]he flow of isochronous data is controlled by one output plug control register (oPCR) and one output master plug register (oMPR) located on the transmitting side” (col. 6, lines 8-10). “An isochronous data flow can be controlled by any device connected to the IEEE 1394 serial bus by modifying the corresponding plug control registers” (col. 6, lines 24-26). The Examiner states if the isochronous data flow is controlled by one device, the other device (i.e. DTV) does not control the data flow, and therefore does not mount a control module. However, there is no teaching that the first controlling device, characterized by the Examiner as corresponding to the DTV, transmits a request to another controlling device to execute a connection management function when the first controlling apparatus does not mount a control module.

Stahl discloses, “the DTV will receive the RC key presses . . . intended for the DVCR . . . translate the RC key press to a predetermined standardized universal key code and transport it across the serial bus to the DVCR” (col. 8, lines 8-13). Nothing in *Stahl* teaches or suggests that the DTV does not mount a control module. On the contrary, the DTV receives RC key presses, translates the key presses, and transports them. Such actions do not suggest that the DTV does not mount a control module.

Furthermore, there is no teaching, in *Stahl*, that the DVCR notifies the DTV that it “mounts a control module of said connection management function.” The DVCR “will receive the universal command and perhaps translate it into the Sony format and then take action” (col. 8, lines 20-22). The DVCR receives and translates the universal command, but there is no teaching that it sends a communication back to the DTV that

notifies the DTV that it “mounts a control module of said connection management function.” Therefore, *Stahl* does not teach or suggest a first controlling apparatus “including a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function,” as recited in claim 10.

The Examiner relies on *Shteyn* to teach the claimed “request” (Final Office Action at page 5). Even assuming that *Shteyn* teaches a self describing data structure and override DCM, Applicants submit that *Shteyn* does not cure the deficiencies of *Stahl*.

Accordingly, *Stahl* and *Shteyn* fail to establish a *prima facie* case of obviousness with respect to claim 10. Independent claim 12, though of different scope from claim 10, recites limitations similar to those set forth above with respect to claim 10. Claim 12 is therefore allowable for at least the reasons presented above.

In view of the foregoing, claims 10 and 12 are in condition for allowance. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 9, 2006

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